

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VAFA SHAMSAI-NEJAD,

Plaintiff,

vs.

ARIZONA CHARLIE'S BOULDER *et al.*,

Defendants.

Case No. 2:12-cv-00423-PMP-CWH

REPORT AND RECOMMENDATION

On August 6, 2012, the Court entered an order granting Plaintiff's Application to Proceed *In Forma Pauperis* (#1), but dismissing the complaint without prejudice for failure to state a claim upon which relief could be granted. *See* Order (#2). Plaintiff was given thirty (30) days to file an amended complaint. Plaintiff was warned that failure to submit an amended complaint would result in a recommendation that her complaint be dismissed with prejudice. Significant time has passed and Plaintiff has not filed an amended complaint. Accordingly,

RECOMMENDATION

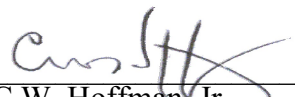
IT IS RECOMMENDED that Plaintiff's Complaint (#3) be **DISMISSED WITH PREJUDICE** and this matter closed.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d

1 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir.
2 1983).

3 DATED: June 11, 2013.

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5 C.W. Hoffman, Jr.
6 United States Magistrate Judge
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